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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-fifth session

SUMMARY RECORD OF THE 28th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 23 August 1993, at 10 a.m.

Chairman: Mr. AL-KHASAWNEH

later: Mr. YIMER

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The meeting was called to order at 10.15 a.m.

THE NEW INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION OF HUMAN RIGHTS

(a) THE ROLE AND EQUAL PARTICIPATION OF WOMEN IN DEVELOPMENT (agenda item 7) (continued) (E/CN.4/Sub.2/1993/NGO/8)

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 8) (continued) (E/CN.4/Sub.2/1993/15-17 and Corr.1, 18 and Add.1, E/CN.4/Sub.2/1993/36,82; E/CN.4/Sub.2/1992/15,16,50; E/CN.4/Sub.2/1992/WP.1; E/CN.4/Sub.2/1991/47; A/CONF.157/PC/73)

1. Mr. VAN WALT (Pax Christi International), speaking on agenda item 8, said that his organization welcomed the fact that the Sub-Commission was taking up the realization of economic, social and cultural rights earlier in its session as, in the past, the subject had received insufficient attention.

2. The important report by Mr. Al-Khasawneh and Mr. Hatano on the human rights dimensions of population transfer, including the implantation of settlers (E/CN.4/Sub.2/1993/17) dealt with various forms of population transfer and their consequences both for the transferees and for the peoples into whose territory they were moved. Other speakers had pointed out how the transfer of Bengalis from Bangladesh into the Chittagong Hill Tracts had caused tension and even armed resistance; how the Jewish settlements in the occupied territories were exacerbating the situation in the Middle East; how the transfer of Turks from Turkey into northern Cyprus had changed the demographic composition of the island, making it hard to see an early solution to the crisis there; how the transfer of Russians and others into the Baltic States was the cause of new tensions in the region; and how the transmigration policy of Indonesia, in particular to East Timor, Aceh and West Papua threatened those distinct peoples. The situation in parts of the former Yugoslavia, where ethnic cleansing continued, was a chilling reminder of the extreme cruelty of population transfers.

3. How to redress or otherwise deal with tensions caused by the implantation of settlers in what was, essentially, alien territory, was a complex question, to which there was no simple answer. Each case should be studied on its own merits. However, it was obvious that given the serious, and sometimes fatal, effects of population transfer, the international community had to take a firm stand on the prohibition of any new transfers of population without the full and informed consent both of the people being transferred and the people into whose territory the transferees were moved. The emphasis, therefore, should be placed on preventing and opposing current population transfer policies and practices, regardless of whether the territory into which people were being transferred was legally a part of or separate from the metropolitan territory.

4. His organization was particularly interested in paragraph 54 of the report concerning population transfers which had been carried out by Governments for political control and would like to see more study done on that subject, as it was one of the principal forms of population transfer presently, and had been dealt with too briefly in the report. Finally, paragraphs 80 to 101 analysed the effects on the people being transferred, in clear and helpful terms. Equal attention should be paid to the effects on the

peoples and population groups into whose territory the transferees were being moved. Research indicated that the transfer of people into the territories of indigenous or occupied peoples constituted one of the most serious threats to the survival of those communities.

5. With respect to violations of economic, social and cultural rights, Pax Christi International was very concerned that some legitimate human rights issues had been unfairly politicized. In some cases, that was the only way Governments could oppose moves for the adoption of resolutions, as they could no longer credibly deny charges of human rights violations. One such case was the attempt to dismiss the legitimate grievance of Tibetans concerning the systematic violation of their civil and political rights, along with their economic, social and cultural rights.

6. A further cause for disappointment was the blatant politicization of the Sub-Commission, which was increasingly behaving as if it were an intergovernmental body instead of an independent body of experts. It was stunning that it should refuse even to discuss the substance of one of the world's well-documented and persistent cases of gross violations of human rights, including economic, social and cultural rights, on the grounds that the issue was political, complicated and sensitive. What major human rights issue, in particular where the cultural rights of threatened peoples, economic deprivation or social discrimination were involved was not political? Were any of the major issues taken up by the Sub-Commission and other United Nations human rights bodies, such as the rights of the Palestinian people, the situation in Burma or in South Africa - to mention but a few - not political, complicated and sensitive?

7. Pax Christi International wished to draw the attention of the Sub-Commission to shocking information it had obtained about a crucial meeting held somewhere in Sichuan on 12 May 1993, which had been organized by the United Front, the principal organ of the Communist Party responsible for Tibet policy. It had decided on how to resolve the problem of Tibet once and for all. The secret meeting had been codenamed 512, and had been attended by representatives of the United Front, the Foreign Ministry, the Internal Security Ministry and the Army. At the meeting, it had been expressly decided to transfer large numbers of Chinese settlers into Tibet with the political aim "of making it demographically impossible for Tibetans to rise as is already the case in Inner Mongolia and Xinjiang"; to "manipulate" "renowned international figures and religious personages" and to break the unity of Tibetans and infiltrate religious ranks. In the international arena, specifically in the United Nations, it had been decided that the strategy would be to put every effort into trying to escape the censure of human rights bodies. Pax Christi International urged the Sub-Commission to take urgent note of that information, and formally requested the Special Rapporteurs of the Commission on Human Rights to investigate the matter, which was of the utmost gravity.

8. Pax Christi International and France-Libertés-Fondation Danielle Mitterand wished to indicate their deep concern at the situation of the Saharan people who had also been threatened with a large-scale population transfer. The hopes that had been raised among the international community following the adoption by the Security Council of resolution 690 (1991) which

aimed to settle the 18-year conflict between the Kingdom of Morocco and the Frente POLISARIO had now been almost completely dashed. The mass transfer by Morocco of a large part of its southern population into the areas it occupied in the Western Sahara, and its attempts to set up a made-to-measure electoral corps were a flagrant violation of the provisions of the peace plan which had been accepted by the two sides in the conflict, namely the Frente POLISARIO and Morocco. The mass transfer of Moroccans to the Western Sahara, and the insurmountable difficulties it created for the United Nations Mission for the Referendum in Western Sahara had been commented on by Mr. Manz, the former United Nations Special Representative, who had said that it contravened both the letter and the spirit of the peace plan.

9. In view of the determination of the Moroccan authorities to prevent the referendum in the conditions provided for in the peace plan and, therefore, to renege on the commitment they had made, in particular the promises made to collaborate with the United Nations with a view to helping it to carry out its mission of decolonizing the territory, the responsibility of the United Nations should be emphasized. However, the silence of the United Nations in the face of the increasing challenges to its authority by Morocco was deafening, at a time when it was common knowledge that the population transferred by Morocco presented a threefold danger for the implementation and application of the peace plan: in terms of pressure on the Identification Commission responsible for updating electoral lists which had been drawn up on the basis of a census carried out by the Government of Spain in 1974; of downright violations of the rules designed to govern the electoral campaign; and its use of blackmail, pressure and subversion in the event that the independence option was chosen.

10. Despite the substantial difficulties placed in the way of applying a Security Council decision by Morocco, a member of the United Nations, and despite the repeated violations of human rights regularly carried out by the Moroccan authorities with complete impunity, there was still hope that the international community would wake up to the fact that it should no longer tolerate the policy of fait accompli that Morocco would like to apply to the Western Sahara. The people of Western Sahara whose right to freedom, self-determination and independence had been recognized by the international community was expecting that same community to help it to achieve those rights.

11. Mr. DESPOUY, introducing the preliminary report on human rights and extreme poverty (E/CN.4/Sub.2/1993/16) under agenda item 8, said that traditionally, the issue of extreme poverty had been addressed in terms of the realization of economic, social and cultural rights. However, in 1989, human rights bodies, starting with the Commission on Human Rights, began to look at extreme poverty as an independent issue to be considered not simply in the context of economic, social and cultural rights but in that of all human rights and fundamental freedoms. In its resolutions 46/121 of 17 December 1991, and 47/134 of 18 December 1992, the General Assembly had expressed its concern that extreme poverty continued to spread in all countries of the world and seriously affected the most vulnerable and disadvantaged members of society who were thus hindered in the exercise of their human rights and fundamental freedoms. On 22 December 1992

in resolution 47/196, the General Assembly had proclaimed that 17 October each year would mark the International Day for the Eradication of Poverty.

12. In resolution 1993/13, the Commission on Human Rights had called upon States, United Nations bodies and other international organizations, including NGOs, to give due attention to the situation of the poorest population of the world and urged attention to be given to the relationship between extreme poverty and the full realization of human rights. However, the report (E/CN.4/Sub.2/1993/16) emphasized that the topic as yet had not been fully addressed. In view of that, the Sub-Commission should consider certain guidelines which could be used as a basis for a study on the question of extreme poverty and its eradication. The first guideline should be based on instructions given by the Commission and the Sub-Commission for the realization of the study on extreme poverty and human rights. Those instructions stemmed from facts established by those bodies which included: the persistence of extreme poverty in all parts of the world and the universal character of the question. Concern was expressed that extreme poverty continued to spread in all countries of the world regardless of their economic, social and cultural situation; the fact that extreme poverty affected developed as well as developing countries and rich as well as poor countries and thus made it a universal issue; extreme poverty was a violation of human dignity and a denial of the enjoyment of all human rights; there was a need for an improved knowledge of extreme poverty, its causes and its consequences for the enjoyment of human rights. The Commission had indicated its awareness of the need for improved knowledge of extreme poverty and its causes, particularly in view of the topicality of the problem, including those connected with the problem of development. Although a degree of economic, statistical or other knowledge was available, there was little knowledge of extreme poverty from the inside or its real impact on the enjoyment of human rights as a whole; there was a need to recognize the crucial contribution of the poorest and of persons committed to working with them to an increased knowledge of extreme poverty. The efforts deployed on a day-to-day basis by the poorest to combat poverty should provide guidance as to the policies to be implemented with them to overcome poverty. For the first time, the international community had recognized that the most effective way of helping the poorest people of the world was to include them and to use their knowledge of local situations to solve the problems facing them; and there was a need to identify the conditions in which the poorest could become partners in the realization of human rights. A clear human rights methodology had to be devised and involve such people in solutions and policies. The challenge was to stimulate new working methods so that sectors which had been alienated and ignored could be introduced and incorporated into levels of preparation and the implementation of policies.

13. Turning to his interpretation of the mandate of the Special Rapporteur he said that he had decided to take a new approach and the concept that lay behind his choice was that of the indivisibility and the interdependence of economic, social and cultural rights and of civil and political rights. He said that he also believed that the problem was not so much one of the recognition of one specific right as the actual exercise or effective enjoyment of all human rights by the poorest.

14. As Special Rapporteur, he intended to base his study on the answers to questionnaires put to United Nations bodies and agencies, other intergovernmental organizations, States and non-governmental organizations, competent persons, and the results of a seminar which would probably be held in 1994. The seminar would be attended not only by experts and specialists but also persons living in extreme poverty and those who were committed on a long-term basis to working alongside them.

15. His work would also include finding a realistic definition of extreme poverty. The definition should: indicate the historical dimension of extreme poverty; convey the fact that extreme poverty affected developed and developing countries alike in different proportions and in varying degrees; make a distinction between poverty and extreme poverty which was appreciable not only in terms of economic parameters but above all in relation to the impact on the enjoyment of human rights; and highlight the harmful consequences for human rights of the persistence of the situation of insecurity in which persons living in extreme poverty found themselves for years and sometimes for generations.

16. The study would then go on to look at the evil of poverty, the extent, seriousness and topicality of the problem. It would also seek to ascertain the number and percentage of persons who were living in such a situation. It was necessary to determine the extent to which extreme poverty was a problem, common to all continents, and to show that the campaign against it concerned mankind as a whole.

17. With regard to the work of national and international agencies and organizations on extreme poverty, it could be seen that in recent years the question of poverty and extreme poverty had increasingly formed part of the concerns of the international community. Particular attention would be given in the study to the work performed by various United Nations bodies, specialized agencies and other organs of the United Nations system, in particular the United Nations Development Programme (UNDP). UNDP, drawing on the concept of human development had reoriented several cooperation programmes towards what were known as human priority sectors which included poverty and extreme poverty. In addition, the study would concentrate on how the issue of extreme poverty was dealt with in international human rights instruments. It could be seen that in the elaboration of international instruments on human rights there had already been a specific desire to combat poverty. However, the question of extreme poverty was rarely translated into the final texts. For example, the travaux préparatoires done on the Universal Declaration of Human Rights had paid particular attention to extreme poverty but had failed fully to incorporate the issue into the final document.

18. The plan of work for the progress report to be submitted by him, as set out in document E/CN.4/Sub.2/1993/16 would, he hoped, be supported by the Sub-Commission whose cooperation he was relying upon to help him accomplish his task.

19. Mr. GUISSE said that the realization of economic, social and cultural rights was, in his view, the most important task facing the United Nations and was a prerequisite for peace not only for Member States but for the entire international community.

20. The economic decline in third world countries not only paralysed development in those countries but had also started to threaten the economies of industrialized countries. The world had become a large village in which one had to help one's neighbours because a failure to do so threatened one's own security.

21. The third world was facing a dire economic situation, which had given rise to the worst kind of ills including: unemployment, poverty, disease, famine, exploitation, crime, prostitution, the traffic and sale of children, to name but a few. Such phenomena which had formerly afflicted only under-developed or developing countries, were presently facing countries throughout the world and was the result of the failure of rich and poor countries to cooperate with each other.

22. The conflict of interests in rich countries was exacerbating the worldwide economic crisis. Monetary conflicts broke out regularly, the flames of which were fanned by speculators and which served only to aggravate an already dramatic situation facing third world countries.

23. If one added to that the negative impact of the burden of debt on developing economies, it became clear that the light at the end of the tunnel was still far away.

24. The burden of debt was further increased by the fact that the more one paid, the more it increased; it was as though it would never be paid off once and for all, and thus amounted to an even more odious and pernicious form of colonization.

25. The Structural Adjustment Programmes set up by international financial institutions were becoming increasingly incapable of making the necessary improvements, and under the control of developed countries, were equally unable to ensure a new, fair and equitable world economic order. Economic, social and cultural rights could only be assured through economic equality. Those institutions in which a great deal of hope had been placed had not been able to meet the expectations. The time had come for them to revise their policies if it was indeed their task to help development in countries with economic difficulties.

26. It should be remembered that the Charter of the United Nations did not deal with economic, social and cultural rights as fully as it did with regard to civil and political rights. However, the areas it covered included: the right to education, the right to health and the right to work.

27. The right to education, which was both an economic and cultural right should be guaranteed whilst respecting the moral and traditional values recognized by the international community. Such respect was, according to the Charter of the United Nations, the responsibility of States. It was essential that parents should have the right to participate in the education and training of their children. The right to education was particularly important in developing countries where large sectors of the population were illiterate.

28. With regard to the right to health, the solemn pronouncement that everyone had the right to an improved state of health was a pious hope for developing countries, given the lack of necessary economic resources.

29. With regard to the right to work, the right to equal remuneration for work of equal value and the right to satisfactory working conditions, he said that they were also a distant dream in developing countries. It should be noted that the juridical standards relating to that right were laconic and perfunctory. That was certainly not due to an oversight but to a recognition of the economic and financial situation of developing countries.

30. Economic, social and cultural rights, even more than other rights, were dependent on economic and financial inputs. They could only be assured in the context of a modicum of economic development.

31. However, the developed countries were not entirely to blame. The developing countries had contributed to the decline in their health and education systems. Remuneration for persons working in such services were, in general, derisory, a situation which benefited the armed forces which were used more to repress the population than to defend the country and helped to consolidate dictatorships to the detriment of democracy.

32. The world was seeing the consequences of such policies and that developing countries were facing massacres every day. The Sub-Commission should duly recognize the seriousness of the situation.

33. Mrs. ATTAH said that she deeply regretted the murder of the Yanomami Indians in Brazil at the hands of gold prospectors, murders that could only be termed as genocide. The crime was even more contemptible in view of the celebration of the International Year of the World's Indigenous People. The Sub-Commission should send a message to the Government of Brazil expressing its distress at the incident and calling upon it to provide better protection for indigenous peoples.

34. Turning to item 8, she said that she welcomed the preliminary report submitted by Mr. Despouy (E/CN.4/Sub.2/1993/16). The question of extreme poverty and human rights was of great importance, particularly to people in developing countries, due to the deteriorating conditions of their economies. Many countries were moving into the category of least developed States and that should be of great concern to everyone.

35. For that reason, she said that she supported the plan of action proposed by the Special Rapporteur, and the views expressed in paragraphs 15, 18, 20, 23, 26, 27, 28, 32, 35, 36, 38, 40, 41 and 55 were to be commended. Furthermore, the Special Rapporteur should establish contact with the Economic Commission on Africa on the question of extreme poverty. In addition, he should try to visit three countries with dissimilar cultures to see firsthand the situations, and set up dialogue with families and persons living under the shadow of extreme poverty both in urban and rural areas. Experience in Nigeria showed that such people could make a constructive contribution towards improving their own conditions.

36. She also extended congratulations to Mr. Sachar on his excellent working paper on the right to adequate housing (E/CN.4/Sub.2/1992/15). She shared his concern that the pride of place in the enjoyment of the right to decent and adequate housing should be given to vulnerable groups that were homeless or inadequately housed.

37. As the financial situation in the third world deteriorated further, the number of homeless persons would increase. However distinctions needed to be made between impoverished societies, homelessness caused by internal displacement for whatever reasons, and the refugee problem. The number of persons sleeping under bridges and in public parks in cities was on the increase. Such people were often unemployed or could simply not afford the astronomical rents which were being charged by landlords' associations.

38. Most of the countries in Africa were suffering under the yoke of the Structural Adjustment Programmes imposed upon them by the International Monetary Fund and the World Bank. The situation was rapidly deteriorating and Governments were finding it increasingly difficult to maintain their social services, such as education, health and welfare programmes. Unemployment was hitting young school-leavers and graduates above all. At the same time, their parents were being made redundant as the financial situation got worse. There were millions of people in Africa who were deprived of their economic and social rights. The light at the end of the tunnel was still far away. Strikes by workers and students had become the order of the day. In 1992, the IMF and World Bank had addressed the Sub-Commission. It should be recalled that at that time, the members of the Sub-Commission had requested the two bodies to look again at their fiscal policies which did not seem to be having the desired effect of improving the lives of the peoples in the third world. Thus far, no changes in their policies had been noted, despite the fact that the right to life was being threatened. It was to be hoped that the appeal to those agencies would be repeated.

39. Mr. HELLER, commenting on the relationship between economic, social and cultural rights and extreme poverty, with reference to the report on human rights and extreme poverty contained in document E/CN.4/Sub.2/1993/16, said that although the right to development had been firmly established at the 1993 World Conference on Human Rights, the Sub-Commission should still recall in its discussions that there was a need for a global approach which would stress the indivisibility of civil and political rights and social, economic and cultural rights.

40. With specific reference to the report, he had three comments to make. Firstly, although historically speaking extreme poverty had always existed, it should be acknowledged many sectors of the world's population were living in conditions of extreme poverty today. Secondly, there was a danger of taking a paternalistic approach to the subject and it was therefore important to look at international relations and to make a specific analysis of the reasons why wealth was concentrated in small groups in every country. Thirdly, it was worth examining national policies to tackle extreme poverty. In some countries, particularly in Latin America, policies had been developed that focused on solidarity in society in conjunction with government action.

41. Mr. Yimer took the Chair.

42. Mr. EIDE, speaking on item 8, said that he fully endorsed the view of the Special Rapporteur on human rights and extreme poverty, that the problem was not so much one of the recognition of any specific right as the actual exercise or effective enjoyment of all human rights by the poorest (para. 27, E/CN.4/Sub.2/1993/16). Some minorities, the Roma people in Europe, for instance and the descendants of slaves in the United States of America, fell into that category, living marginalized lives and unable to realize their fundamental human rights. In future studies, the Special Rapporteur should study the mechanisms by which such people were blocked from enjoying human rights, which meant looking at discrimination, bonded labour, exploitative relations with money lenders and so on, and should also look at ways in which the poorest were empowered or empowered themselves to overcome such obstacles. Throughout the world creative efforts had been made even in the most difficult conditions, for example a bank in Bangladesh which reached out to the poorest and organized a form of group self-help. Comparative studies on that kind of issue would provide positive examples to alleviate the gloom.

43. Turning to the progress report on the right to adequate housing contained in E/CN.4/Sub.2/1993/15, he agreed with the Special Rapporteur that the problem was not one of finding an international instrument to recognize the right to housing but rather of finding ways in which that right could be realized and enjoyed in practice. Once more, the obstacles to the enjoyment of the right should be studied. Obviously, forced evictions needed to be prevented. Dwellings should not be torn down to serve the interests of others unless in the context of a proper resettlement programme. More importantly, the State should protect people against aggressors trying to take natural resources, as in the recent killing of indigenous people in Brazil. It should also take steps to mitigate the negative effects of an over-zealous transition to a market economy. The problems arising from such a situation required social attention. The growth in the number of homeless persons in the developed countries was frightening and indicated that enthusiasm for the market was not restrained by social concern. The phenomenon was widespread throughout Europe and North America and it was to be hoped that the new United States Administration, which seemed to pay more attention to economic, social and cultural rights than its predecessors, would turn its attention to the plight of the poorest.

44. A framework to analyse the realization of economic and social rights seemed to be emerging from the Sub-Commission and the report, on housing and that on extreme poverty, would contribute to developing that overall framework. He agreed with the recommendations contained in the report of the Special Rapporteur on the right to adequate housing and pointed out that in future studies it would be useful if he could spell out ideas on the way to overcome the impediments to the right to housing.

45. He congratulated the Special Rapporteurs who had prepared the preliminary report on the human rights dimensions of population transfer, including the implantation of settlers (E/CN.4/Sub.2/1993/17); rarely had a preliminary report been so comprehensive. There were two aspects that required study, namely, preventing future population transfers and finding a humane way of dealing with population transfers that had already taken place.

46. The whole issue was closely related to the question of minorities. When ethnic cleansing took place, it had grave consequences for people in the areas which received the displaced persons; when populations were transferred to another territory, often with the aim of changing the demographic profile of that area, they often had a destabilizing effect on the society of that territory.

47. He agreed with the Special Rapporteurs on the need to carry out a legal analysis of the problem with a view to developing a legal instrument and in that context endorsed the potential remedies contained in paragraphs 375 and 376 of the report and the preliminary recommendations contained in paragraphs 383-6. In the current legal void, there was a need to address the issue from the human rights perspective and achieve an overall understanding of the conditions in which economic, social and cultural rights could be realized.

48. Mr. SACHAR, speaking on items 7 and 8, said that since the Vienna Declaration and Programme of Action (A/CONF.157/23), had recognized that rights were universal, interdependent and interrelated, the debate on the supremacy of the International Covenant on Civil and Political Rights over the International Covenant on Economic, Social and Cultural Rights had become irrelevant.

49. It was clear that freedom of the individual would sound hollow to the poor who lived in squalid housing and whose children were malnourished. The new international economic order seemed to mean that the market economy was expected by itself to alleviate the conditions of the poor. That stood in sharp contrast to the Vienna Declaration which stipulated that States should foster participation with poorest people in the decision-making process. It had also been accepted at the 1993 World Conference on Human Rights that the international community should help to alleviate the debt burden on developing countries. The unacceptable gap between the rich nations of the North and the poor nations of the South could, if not addressed, lead to rising tension and suspicion reminiscent of that experienced at the height of the cold war.

50. However, it seemed that the developed world, under the leadership of the United States of America, was not only totally indifferent to the needs and aspirations of the developing world but as a matter of policy was determined to choke its development. For instance, India had developed indigenous skill and expertise in space technology; that technology contributed greatly to its economic and social development. India had entered into negotiations with Russia for the supply of Russian technology which would enable India to manufacture cryogenic rocket engines. Although India had made it clear that the cryogenic technology was to be used solely for peaceful purposes, the United States had used the threat of withholding billions of dollars in aid to Russia to encourage it to cancel the contract, which it had done. The excuse given by the United States of America was that it was acting in the interests of international peace and security, but in reality it was only interested in the challenge posed by India to the American space industry. That was surely no way to usher in a new economic order and was stifling the realization of the developing world's economic and social rights.

51. A further pressure on developing countries was the panacea of free trade, as insisted upon by international financial institutions under the influence of multinational corporations. Although it was claimed that free international trade would benefit the developing countries, in fact it meant the destruction of their local industry in the developing world. Some restrictions must be imposed. Protectionism in the labour and agricultural markets was immensely desirable.

52. The idea of free international trade was particularly ironic when it was borne in mind that the President of the United States of America had considerable legislative powers to restrict imports while at the same time demanding full access to foreign markets for American goods. The United States imposed quota restrictions and high tariffs on textile imports which harmed both the developing countries and consumers in the United States themselves.

53. The trend in favour of discriminatory trade practices was growing. Furthermore, the industrialized countries wanted increased access to markets in sectors in which they had an overwhelming superiority, for example, banking, insurance and telecommunications and were opposed to the liberalization of labour-intensive services by developing countries, which had a comparative advantage in that field. The new economic order could in no way be described as equitable.

54. Although the developed world chided the developing countries for relying on government aid and subsidies, supposedly detrimental to free trade, the Governments of the industrialized countries often intervened in favour of the big multinationals.

55. The North also advised the South that if structural adjustment led to unemployment, it should just accept it in the hope that it would eventually bring a better future. The economists of the World Bank and International Monetary Fund seemed to have forgotten the qualitative difference between being unemployed in a developed country and being unemployed in a developing country. In the former, it might mean being unable to pay the mortgage or buy a colour television whilst in the latter it might mean that children would have to go without food, milk and clothing.

56. The South was not an equal partner of the North but subordinate to it.

57. Mr. Al-Khasawneh resumed the Chair.

58. Mr. SABOIA said that before addressing item 8, he wished to mention the tragedy that had taken place in Brazil a few days previously. He knew that it was not his duty to talk about specific human rights violations in his country but he could not remain indifferent to an event which had had such a strong impact. On hearing the news of the murder of Yanomami indigenous people, he had telephoned the Acting Minister for Foreign Affairs to find out more about the situation. He considered that the indignation expressed by public opinion was shared at the highest levels of the Brazilian Government. The Minister of Justice and the Attorney-General had gone to the remote area in which the crime had taken place, which was accessible only by helicopter and then after several hours' walk, in order to ascertain the facts. It would seem that the

murders had been committed by goldminers. His Government had informed the Sub-Commission of the ongoing effort to remove the goldminers from the area allotted to the Yanomami people, but it was so remote and the resources available to the Government were so meagre that the goldminers kept going back. A very high-level meeting of the Defence Council was due to take place that very day to discuss the issue and he hoped that that indicated there was no attempt to cover up the incident and that his Government had every intention of punishing those responsible for such a grave violation of human rights.

59. Turning to agenda item 8, he said that the report of the Secretary-General on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1993/18) clearly demonstrated that while progress had been achieved, much still remained to be done.

60. On a general level, he noted that the treatment given by the Commission on Human Rights to the two categories of rights - civil and political on the one hand, and economic social and cultural on the other - remained largely unbalanced. At the forty-ninth session of the Commission, only one mechanism for monitoring economic and social rights had been established while two other special or thematic rapporteurs had been appointed to monitor the observance of civil and political rights. That did not mean that new mechanisms for monitoring civil and political rights should not be envisaged, but a better understanding of the interrelationship between the two categories of human rights was of paramount importance to ensure a comprehensive approach to the promotion and protection of human rights.

61. A more balanced and objective approach would mean that the root causes of human rights problems could be properly addressed and could enhance the understanding of issues like the sale of children, child prostitution and pornography and violence against street children, which in most cases did not constitute per se classical human rights violations with the direct involvement of Governments but rather grave human rights problems of a transnational nature originating in the economic and social situation prevailing in developing countries.

62. The 1993 World Conference on Human Rights had acknowledged that the lack of development should not be used to justify human rights violations but it also recognized that development facilitated the enjoyment of human rights. The question of political willingness to tackle those problems apart, the ability of States to halt human rights violations was largely contingent upon the availability of human and financial resources to the Judiciary and law enforcement apparatus, a factor which also depended on global economic and social development.

63. It was also true that the democratization process under way in many countries might be halted or remain at a purely formal level unless accompanied by effective measures to ensure access to welfare and education and participation in decision-making processes by all segments of society. Unfortunately, examples of such perfectible democracies could be found in Latin America and Eastern Europe. The tendency to deny priority to the so-called second generation rights, those of an economic and social nature,

encouraged a blatant superficiality in dealing with human rights situations exclusively on the basis of compliance with civil and political rights.

64. The implementation of international cooperation to strengthen and monitor civil and political rights was no doubt much easier to accomplish than the adoption of specific measures aimed at the realization of economic and social rights whose conceptual and juridical basis was not yet as well defined as States' obligations in relation to some unquestionable rights such as the freedom from torture or from enforced disappearances. Furthermore, genuine international cooperation for the realization of economic and social rights would imply more balanced trade relations and the elimination of protectionist and unfair practices and other commercial barriers which affected developing countries.

65. At the World Conference on Human Rights, for the first time, a consensus statement had been reached on the recognition of the right to development as an inalienable human right. The Vienna Declaration and Programme of Action also acknowledged that both effective national policies and equitable economic relations at the international level were essential elements in ensuring lasting progress towards the implementation of the right to development. Furthermore, the document contained a set of specific proposals and ideas aimed at further protecting and promoting human rights throughout the world, including the proposed establishment of a comprehensive programme of technical and financial assistance to help States in the task of building or strengthening adequate national structures which had a direct impact on the overall observance of human rights and the maintenance of the rule of law. In the area of economic and social rights, it called on international and regional financial and development institutions to assess the impact of their strategies on the enjoyment of human rights. As regards the right to development, the Conference had welcomed the appointment by the Commission on Human Rights of a thematic working group on the issue and additional approaches were also sought to enhance the enjoyment of economic and social rights, including the examination of optional protocols to the International Covenant on Economic, Social and Cultural Rights. Those proposals and recommendations would be considered by the General Assembly at its 1993 session and he hoped that further progress would be achieved in that area.

66. While some important obstacles to the recognition of the right to development had been removed at Vienna, much remained to be done to ensure the practical implementation of the 1986 Declaration on the Right to Development. As an expert body in the field of human rights, the Sub-Commission should continue to play an important part in that area. It might try to establish, through the Commission on Human Rights, some degree of dialogue with the thematic Working Group which might also benefit from the Sub-Commission's theoretical and practical experience in the field of economic and social rights.

67. Mrs. CHAVEZ, commenting on agenda item 8, said that all members of the Sub-Commission were particularly aware of the problems of extreme poverty in the developing world. Unfortunately, however, those same problems continued to plague the developed world, even the United States of America. On reading Mr. Despouy's preliminary report on human rights and extreme poverty

(E/CN.4/Sub.2/1993/16), she was concerned to know whether or not there was any intention of considering poverty in a broader context than that of the availability of government structures and assistance. The United States of America, for instance, had spent billions of dollars on attempts to eradicate poverty and yet 12 to 13 per cent of its population continued to live below the poverty line. She therefore suggested that an effort should be made to examine the relationship between poverty and the family structure, especially in the developed world. For example, in the United States of America the poverty rate for families headed by a single woman was much higher than the average. In some minority groups it was extraordinarily high - one half of all such families among blacks. That was particularly important in the context of the rapid increase in the number of out-of-wedlock births in the United States, which now amounted to around 20 per cent of total births. Among Hispanics, however, the figure was around 33 per cent, and among blacks 66 per cent. Yet the poverty rate in black families headed by a married couple was below the national average. That situation should be taken into account in the report.

68. Another important problem was that of the homeless in the United States of America and other developed countries. In addition to considering the availability and cost of housing, some attention should be given to the effects of substance abuse and mental illness in the creation of homeless populations. A considerable amount of social research was now available on the subject in the United States, and it appeared that approximately two thirds of all those persons who were chronically homeless were either substance abusers or mentally ill, or both at the same time.

69. Mr. KOTHARI (Habitat International Coalition - HIC), speaking on agenda item 8, said that HIC was generally encouraged by the action taken by the Sub-Commission and within the United Nations as a whole concerning economic, social and cultural rights during the past years.

70. However, positive as that intensified activity had been, it must be agreed that innumerable hurdles remained to be surmounted. It was apparent when examining the situation within the former Soviet Union and in virtually any country having relations with the IMF, the World Bank and other bastions of elitist and corporate zeal, that Governments everywhere were consciously abrogating their legal duties to protect the economic, social and cultural rights of their citizens by a hasty and ill-planned shift towards market-oriented economic policies that resulted in the most unjust violation of those rights. There had also been an unmistakable tendency on the part of States to translate not only rights such as the right to development, but the whole range of economic, social and cultural rights as well, into exclusive rights of States, or the elites of States, rather than the right of every individual and group to a life of dignity, respect and security. The marginal attention given to economic, social and cultural rights at the World Conference on Human Rights and in the Vienna Declaration that had emerged from it testified to the lack of true concern of most States for the basic well-being of their citizens.

71. HIC was therefore extremely encouraged by some of the initiatives being carried out by the Sub-Commission, in particular by the preliminary report on the human rights dimensions of population transfer (E/CN.4/Sub.2/1993/17) and

the progress report on the right to adequate housing prepared by Mr. Sachar (E/CN.4/Sub.2/1993/15). Mr. Sachar's extensive analysis of the foundations of housing rights and his detailed coverage of governmental obligations to protect, respect and fulfil them had surely taken the debate on them and on economic, social and cultural rights in general several meaningful steps further. Mr. Sachar had shown that while much substantial progress had been made during recent years on the issues inherent in housing rights, it had rarely been translated into action which had measurably improved the quality of life of the world's hundreds of millions of homeless and inadequately housed persons. HIC was also encouraged by the importance attached to development of indicators, but was disappointed that the Sub-Commission had not thought it worthwhile to hold a debate on the subject, particularly in view of the fact that the United Nations seminar in January 1993 had produced practical suggestions. HIC also supported Mr. Sachar's analysis of the often ignored issue of housing rights violations, which showed succinctly that housing rights not only could be violated but that they were in fact being consciously violated to one extent or another in virtually all States. While it might be difficult for States to provide adequate housing resources for homeless or inadequately housed groups immediately, Mr. Sachar's report convincingly indicated that housing rights must be taken to mean far more than the existence of a roof over one's head and that consequently States could achieve major successes in ensuring that right by carefully engaging in a range of appropriate activities, many of which required little or no financial allocations. However, only Governments which were truly committed to the welfare, justice and human rights of their residents would be willing to undertake the steps required.

72. For instance, the activities, policies and laws of Governments such as that of Israel within the "green line" and in the occupied territories and that of China in Tibet exhibited precisely the type of housing policy and practice which should be condemned by the international community and halted. It was odd, for example, that while illegal Israeli settlements in Palestine were rightly criticized by the United Nations, the massive Chinese settlements in Tibet attracted very little attention, despite the fact that, of all the built-up space in Lhasa, a mere two per cent was Tibetan, with Chinese dwellings dominating the city.

73. It was also shocking to note a new Austrian law which sought to disguise a blatantly open racist initiative by stating that any foreigner in the country who had less than 10 square metres of living space was liable to permanent deportation. Insidious laws such as those which violated the housing rights of the already worst-housed groups in Austria and were symbols of the new racism spreading through Europe required immediate international condemnation and repeal. The home was often used by Governments to punish people and communities. For example, in the United States of America, as recognized by the United States Minister for Housing, the dire conditions in which African Americans lived today was a result of decades of racist policies by the Government. That disturbing and growing phenomenon all over the world needed to be further elaborated in Mr. Sachar's report.

74. On the positive side, the Committee on Economic, Social and Cultural Rights had begun the very significant process of reacting forthrightly when States had violated their citizens' housing rights, either through forcibly

evicting them from their homes or by other actions and processes, in so far as the Committee had declared that the Governments of the Dominican Republic and Panama had violated the provisions on housing rights in the International Covenant on Economic, Social and Cultural Rights. In other instances, the Committee had strongly criticized certain State practices and housing policies, pursued by the Governments of Italy, Kenya and Canada.

75. In order to help States to fulfil more conscientiously the economic, social and cultural rights of their citizens, HIC recommended that the following practical measures be taken by the United Nations. First, the Advisory Services Programme should be expanded to include a core group of advisers with expertise on economic, social and cultural rights who could help Governments to respect, protect and fulfil those rights more effectively. Second, the staff of the Centre for Human Rights could be expanded and trained to include persons with extensive experience and knowledge of the legal and practical issues associated with such rights.

76. The Sub-Commission itself could assist in that process by extending the mandates of the existing three Special Rapporteurs working under agenda item 8 and by extending Mr. Sachar's mandate by one year to bring the length of his term into line with the existing rules and, more importantly, to allow him to deal more effectively with the range of issues that he had identified and begun to analyse; by appointing a new special rapporteur on the issue of human rights and income distribution, in view of the extremely dangerous global trend of rapidly increasing gaps in the distribution of wealth and the control of economic resources both within and between countries; by recommending to the Commission on Human Rights that it appoint a special rapporteur on forced evictions so that the United Nations could begin to deal more effectively with the most blatant of housing rights violations; by recommending to the Commission on Human Rights that it promptly begin to draft and adopt an additional protocol to the International Covenant on Economic, Social and Cultural Rights which would finally allow victims of violations of the Covenant to submit official complaints to the appropriate Committee in an effort to seek judicial redress; and by taking positive steps to follow up the issue of devising core indicators to assess the realization of economic, social and cultural rights, following the recommendations of the United Nations seminar contained in document A/CONF.157/PC/73.

77. HIC was glad to note that, although many of the Sub-Commission's forward-looking decisions and initiatives were taken far less seriously than they ought to be by Governments and other entities, in at least three countries with community-based organizations with whom HIC worked many tens of thousands of persons had been spared the brutality of forced eviction because the relevant authorities had taken account of various resolutions adopted by the Sub-Commission during the past three years. Thus the Sub-Commission's contribution to furthering economic, social and cultural rights could have an impact upon the lives of real people experiencing real suffering in real places.

78. Mr. LACOURT (International Federation Terre des Hommes), speaking on agenda item 8, said that the question of human rights and population transfer had been a source of concern to his organization for many years, since it most

often involved flagrant violations of fundamental liberties, especially in the case of armed conflict. Children could compose at least half the number of displaced persons and suffered intensely.

79. Chapter IV of the preliminary report on the human rights dimension of population transfer, including the implantation of settlers (E/CN.4/Sub.2/1993/17) prepared by Mr. Al-Khasawneh and Mr. Hatano described the main ill effects and dangers suffered by displaced persons. Moreover, Commission on Human Rights resolution 1993/95 requested, inter alia, that the search should continue for ways to improve the protection of those persons and the assistance given to them, while Commission on Human Rights resolution 1993/83 requested greater protection for children in armed conflicts.

80. In order to improve protection, priority must be given to improving prevention. Her organization therefore wished to draw the attention of the international community to a major cause of massive and long-lasting violations of fundamental rights and liberties affecting millions of men, women and children - anti-personnel mines. Such devices were not just another military weapon, since their potential to kill and maim remained decades after hostilities had ceased, over vast areas closed to cultivation and grazing. It was just as necessary to work towards the elimination of that cause of death and mutilation as it was to eliminate the causes of epidemics or other practices which annihilated human beings. Anti-personnel mines were a permanent menace for the life, physical integrity and daily activities of the population. Used initially to make people flee, they then prevented the refugees from cultivating their land once conflicts had ceased. Vital activities such as gathering wood or taking animals to pasture, often entrusted to children, were sources of daily tragedy. Peasant families and entire villages had to make a traumatic choice: to accept the risks of death and mutilation on their lands or to flee once again. As long as the last mine had not been neutralized, the danger remained.

81. In Iraqi Kurdistan, the Iraqi army had laid millions of mines over vast areas of Kurdish land which could no longer be used. The mines employed were mostly of Italian design or manufacture. In Mozambique, since 1967 forces on all sides had indiscriminately strewn, over rural, peri-urban and cross-boundary areas, anti-personnel mines which had served to terrorize civilians and prevent access to hospitals, schools and water or food sources and which had left at least 8,000 amputees and countless dead. Estimates made by the United Nations Operation in Mozambique (UNOMOZ) gave figures of about 2 million mines whose elimination would take no less than 7 to 10 years at a cost of US$ 30 to 40 million. They hindered relief efforts, the repatriation of refugees, and agricultural and general recovery. The mines found in Mozambique came from the former USSR, Italy, Belgium, the former Yugoslavia and the United States of America. In Angola mines had made great areas of the country unhabitable. Some estimates numbered them at 20 million, covering one third of the country's territory, a figure surpassed only by Afghanistan. Fighting had begun again, and so had the use of anti-personnel mines. Civilians were killed or mutilated in their fields, on paths, roads or bridges, along rivers or in their villages. Access to medical and surgical care was insufficient, and refugees could not resettle. The mines used in

Angola came from China, Italy, Belgium, South Africa, the United States of America, the former USSR, the former Czechoslovakia, Germany and probably other countries.

82. The countries which she had mentioned were only three of the many strewn with anti-personnel mines. Her brief overview of the damage caused by them led her to recall the recommendations made by her organization before the Commission on Human Rights in February 1993, the content of Commission resolutions 1993/83 and 1993/95, and section II, B-4, paragraph 50 of the Vienna Declaration, which emphasized the need to protect children in armed conflicts, particularly against anti-personnel mines. Terre des hommes strongly urged all States to fully assume their responsibilities and to move from resolutions to deeds. In particular, a moratorium of at least five years was indispensable on the production and stockpiling of, and trade in, anti-personnel mines and all related military, technical or commercial aid, as an initial phase in negotiations to bring about their total prohibition. Furthermore, mine clearance operations must maintain high international priority status and be backed by the necessary human and financial resources. An international fund should be set up by the United Nations for that purpose, with contributions to come mainly from countries responsible for the production and dissemination of such mines. Also, efforts to improve the protection of displaced populations and assistance to them must be intensified, and an enlarged mandate, with the necessary resources, must be entrusted to UNHCR to bring relief to them wherever they might be. Lastly, efforts to achieve a peaceful resolution of conflicts should be launched in good time and resolutely pursued in order to bring massive and forced population displacements to a halt.

83. Ms. OZDEN-NEURY (Centre Europe - Tiers Monde (CETIM)), commenting on agenda items 7 and 8, said that CETIM attached particular importance to North-South relations. It noted that the deterioration in the economic situation and the trend towards internationalization and interdependence had increased the difficulties faced by the developing countries and the countries undergoing an economic transition and that current economic policies, particularly the structural adjustment policies in operation in developing countries, were tending to create and maintain social imbalances leading to tension and violence. Thus there was a need to implement a coherent global policy that took into account the fact that the promotion of human rights could not be dissociated from economic and social development. For that purpose it was essential that the new economic and social order should be based on a set of postulates accepted by all, but responsive to regional particularities.

84. CETIM wished to draw the Sub-Commission's attention to the recent work done by the Committee on Technical Cooperation at the eightieth session of the International Labour Conference, which had considered the Director-General's report on support for democratization, the campaign against poverty and the protection of workers. Emphasis had been placed on the fact that any technical cooperation programme had to be prepared on the basis of the perceptions and choices of both donors and beneficiaries and on the active participation of the social partners in areas such as identification, elaboration, execution, follow-up and evaluation. The stress laid on the need to devise a coherent policy and strategy for relations with financial

institutions followed the guidelines set forth in paragraph 10 of the Secretary-General's report on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1993/18).

85. CETIM very much hoped that the Sub-Commission would pay particular attention to the recommendations set forth in the resolution adopted by the International Labour Conference concerning social protection and the mitigation of unemployment and poverty and social discrimination of structural adjustment and the transition towards a market economy. Everybody was aware that the burden of structural adjustment programmes was borne disproportionately by poor workers and other vulnerable groups such as women, children, the unemployed, the underemployed, the handicapped and retired persons. The austerity measures adopted by States resulted in a substantial reduction of public expenditure on education and health, and the cumulative effect of the steps taken to liberalize the economy and to simplify trade and investment amounted, in the short term, to a policy of cheap labour, to a slower rate of wage increases, to a reduction in purchasing power, to the loss of jobs and to the flexibilization of wages and security of employment.

86. In addition, measures designed to alter exchange rates led to devaluation and often to unbearable rates of inflation, while financial reforms generally resulted in an increase in taxation and interest rates, with disastrous effects on prices. That development indirectly increased the burdens placed on consumers, most of whom formed part of the underprivileged sectors of the population. Since those conditions were imposed by IMF and the World Bank on States depending on those two institutions, a poor choice of measures to adapt the economy finally led to a "debt trap", which increased the amount of indebtedness and worsened the conditions of repayment.

87. With a view to remedying the disturbing conditions in which the disadvantaged sectors of the population had been plunged, CETIM supported the proposals recently elaborated by trade union leaders affiliated to the World Confederation of Labour at a regional conference. The latter proposed a new approach to development characterized by giving priority to agriculture and food through the creation of farm workers' organizations, which would check the exodus from the countryside to insalubrious, crime-ridden city slums; by developing an entrepreneurial spirit through the creation of workers' cooperatives to meet a number of the needs of the underprivileged population sectors and through the establishment of socio-economic initiatives to improve living conditions and to promote job creation; and by developing civil society and strengthening its participatory role as a partner with the Government and by optimizing the use of human resources.

88. The Sub-Commission might recommend that the Commission on Human Rights call for the IMF and the World Bank to review and implement their original mandates. If IMF were to resolve payment imbalances in an equitable and controlled manner, the burden of adjustment would not only be on the deficit countries but would be reasonably shared between surplus and deficit countries. If the World Bank would take up seriously its original task of recycling global surpluses of the rich nations to deficit nations, the poorer countries would not be obliged to borrow on the private financial markets. Those recommendations were made by the Secretary-General in document E/CN.4/1993/16. If the original objective of IMF really was to

reduce the external indebtedness of the developing countries through the recycling of world surpluses, it had totally failed, since, according to the latest report of the World Bank, the accumulated debt of the developing countries had increased by a further US$ 1,703 billion in 1992. In fact, IMF was not an international service but an advocate for one party, the creditors. If what was happening were a matter of private law, the debtor enterprise would be declared bankrupt, and its property would be liquidated, but the liquidators would not require the creditors to be reimbursed in full. The latter would merely record their losses and the case would be closed. A country, however, could not declare itself to be bankrupt. Those countries which had ventured to do so had been threatened by terrible sanctions, with IMF orchestrating the offensive. Thus the real role of IMF was not to assist countries to reduce their debt, nor to put an end to their bankruptcy, but to place them under trusteeship by transforming irrecoverable debts into an obligation to pay perpetually for their servicing. Consequently, CETIM believed that the debts should be cancelled. UNDP studies showed that in most cases the constant deterioration in the balance of payments of developing countries was basically due to unequal terms of trade. Unless radical changes took place in those terms and in North-South relations, it was totally illusory to think that the debts of the economically poor countries could be wiped out or simply reduced.

89. There was also the question of who would pay for the cancellation. In taking up that problem, the first step had to be a consideration of the issue of legitimacy - the legitimacy not of the overall debt in itself but of each of the individual debts which composed it. An examination of the legitimacy of a debt simultaneously posed the question of co-responsibility, or risk-sharing. IMF and the World Bank had never really asked themselves those questions. It was necessary to know how many fraudulent debts there were, how many debts resulted from contracts which, in civil law, could be denounced for fraud, how many "turn-key" projects had never functioned, how many funds had been misappropriated, how many people like Duvalier or Marcos were there in the world, and why the problem of the legitimacy of debts had never been taken up whereas a set of very subtle conditionalities were put forward for IMF loans.

90. In conclusion, CETIM wished to propose that before any obligation to repay a debt arose and before IMF imposed any conditionalities, an audit should be carried out as to the legitimacy of the debts claimed, the identity and responsibilities of both debtors and creditors, and the origin of the capital lent; that, on the basis of the information obtained, an international and independent legal commission should be requested to evaluate the share of responsibility of States, banks, and enterprises for the loans made, the origin of the capital initially lent and the whereabouts of capital that had disappeared; that the assets held abroad by leaders of the indebted countries should be frozen and that those persons should be required to prove the legitimacy of their wealth; and that an inquiry be made into the fiscal favours that had enabled Western banks to make provision for their losses, so that tax-payers could be aware of the actions of economic agents.

91. On that basis the "legitimate" portion of the debt could be ascertained and its public part cancelled. The private creditors, particularly the large

banks, which had lent monies irresponsibly, should acknowledge their share of the risk, and if the debtor was insolvent, the amounts concerned should be debited to their profit and loss accounts.

92. Mr. AL-DOURI (Observer for Iraq), speaking on items 7 and 8, said that without economic, social and cultural rights, including the right to development in its broader sense, there could be no human rights at all. Any attempt by the powerful and rich countries to undermine the importance of economic, social and cultural rights or to pressure the developing countries into relinquishing the right to development entailed the exploitation of human rights for political objectives and an attempt to return to colonial domination, but in another style. Attaching importance to economic and social rights at the international level simply meant endeavouring to find a more equitable international economic regime. Thus political and civil rights, on the one hand, and economic, social and cultural rights, on the other, must be pursued concurrently.

93. There would be no human rights on empty stomachs, in the absence of physical and mental health, when massive unemployment prevailed, or under the shadow of deprivation of genuine development in industry, agriculture and services. The situation in Iraq was not so much different from that in other developing countries in that respect, except that Iraq was being denied the right to practise economic, social and cultural rights, both individually and collectively. It was also being deprived of its right to development under resolutions adopted in the name of the United Nations. It was prohibited from disposing of its national wealth, the intention being to destroy it politically, economically and socially.

94. A report issued by FAO in July 1993 had stated that the economy of Iraq had been devastated, not because of the recent war and the subsequent civil strife, but basically by the continued sanctions imposed since August 1990, which had virtually paralysed the whole national economy and generated persistent deprivation, chronic hunger, endemic undernutrition, massive unemployment and widespread human suffering. As a result, an overwhelming majority of the Iraqi population was merely struggling for survival. A grave humanitarian tragedy was unfolding.

95. The FAO mission had confirmed the substantial deterioration in food supplies throughout the country and had noted with deep concern the prevalence of commonly recognized pre-famine indicators such as exorbitant prices, the collapse of private incomes, soaring unemployment, a sharp decrease in food intakes and large-scale depletion of personal assets, in addition to high rates of disease, crime and the number of destitute people. Massive starvation in the country had so far been averted by the provision of low-cost food under the system of government rationing. The rations supplied, however, provided only half of the average individual's requirement of calories available before the blockade. A large number of Iraqis currently received intakes that were lower than those received by the disaster-stricken countries in Africa.

96. Given the scale and magnitude of the food crisis facing Iraq, the FAO mission had urged the international community to find an urgent solution. The mission believed that the sanctions could not continue in their current form

without further aggravating the already grave food supply and that the solution lay in the regeneration of the economy through the resumption of Iraq's international trade.

97. The report mentioned some examples of price developments. Up to June 1993 the price of wheat flour had increased about 355 times; of rice about 71 times; of vegetable oil about 106 times; and of sugar about 149 times. At the same time the average unofficial rate of exchange for the Iraqi dinar had fallen 260 times. While the average income was currently insufficient to cover even the minimum food requirements for broad segments of the population, purchases of other basic commodities had deteriorated to the minimum level. Iraq would need to import 5.4 million tonnes of basic foodstuffs in 1993-1994 to provide for its 19.5 million people, at an estimated cost of US$ 2.5 billion.

98. Deaths of children under the age of five had reached 46,933 in 1992 compared with 3,560 in 1990 because of shortages of medical equipment and supplies. Children, women and the elderly were the groups most vulnerable to the blockade and accounted for 77 per cent of the total population of Iraq. The intention of the countries which insisted on the continuation of the blockade was clearly to exterminate the people of Iraq.

99. The Sanctions Committee of the Security Council had prohibited the export to Iraq of material such as cotton textiles and polyester, cars, tyres and spare parts, communications equipment and iron for civil construction; Iraq was accordingly being denied the basic components of life. Those acts represented an enormous breach of individual and collective human rights against an entire population in the name of the United Nations. The question which arose was whether the United Nations Security Council possessed authority to infringe such basic rights as the right to life. His delegation wished to remind the Sub-Commission of its responsibility of not remaining silent in the face of injustice.

100. Iraq still awaited action by the Sub-Commission against the heinous crimes perpetrated against the people of Iraq through the adoption of a clear-cut resolution to put an end to those violations which amounted to genocide. The continuation of the economic blockade represented not only a hideous violation of collective human rights but also of all civil, political, economic, social and cultural rights. In that connection the Sub-Commission's decision No. 106/1992 was to be welcomed.

101. Ms. RENNEL (Observer for Estonia), speaking on agenda item 8, said that the half century of Soviet occupation and annexation of Estonia, accompanied by systematic policies of population transfers and the resettlement of Soviet citizens in Estonia, had resulted in a situation in which more than 30 per cent of the people currently residing in Estonia were not citizens of that country. According to the Fourth Geneva Convention, an occupying power was prohibited from transferring parts of its civilian population into the territory it occupied.

102. The legacy of solving the problems created by past Soviet policy had been thrust upon Estonia which had had two options. The first would have been to send all illegally-transferred people back to their historic homeland. The

second would have been to grant citizenship under a zero option plan to all residents. Both options represented extremes and Estonia had rejected them both. Estonia recognized that returning people to their homeland against their will violated their human rights. Voluntary return was encouraged and a fund had been set up for people wishing to repatriate. Her Government refuted, as systematic disinformation, the claim that aliens in Estonia faced the threat of expulsion or were being forced out of the country through socio-economic pressure.

103. The second option had not been viable because of the excessive number of people transferred into Estonia. Some groups in north-eastern Estonia had, since Estonia had restored its independence, threatened to secede and join the Russian Federation. The recent developments in that part of Estonia suggested that there were forces interested in creating a "Dneister-like situation" in Estonia. Estonia had accordingly had to reject the zero option on citizenship as well.

104. Her Government had accordingly chosen a compromise between the two options and was doing its best to ease the integration of transferred populations into Estonian society.

105. In a situation in which part of Estonia's current population did not possess Estonian citizenship, many steps had been taken to define their legal status. Some of the measures had clearly come as a shock to many members of the Russian-speaking community who had almost overnight found themselves in a foreign country. Despite disinformation circulated about what would happen to those people, most of them could continue living in Estonia undisturbed.

106. On 26 February 1992 Estonia had reinstated and updated its 1938 Citizenship Law under which, in order to become a naturalized citizen, an individual must have resided permanently in Estonia for two years prior to and one year after submitting an application. The date from which length of residency was measured had been set retroactively at 30 March 1990, meaning that most non-citizens could almost immediately have begun to apply for citizenship. Applicants must also meet minimum requirements for knowledge of the Estonian language.

107. In a move affecting about 40,000 individuals, the Government had decided that no requirements would be implemented for those permanent residents who had registered as applicants for Estonian citizenship before 24 February 1990. That step constituted recognition of those people who had been eager to become Estonian citizens at a time when there were serious doubts that independent statehood could be re-established. It was also possible to have Estonian citizenship granted for merit or extraordinary service to the country.

108. While all Russians living in Estonia before the Soviet take-over, together with their descendants, were already citizens of Estonia, most of the thousands of people who had come to Estonia during the period of Soviet rule considered themselves to be Soviet citizens. Many of those people had yet to decide where they wished to live and what they might wish to do about citizenship. So far, about 30,000 of them had chosen Russian citizenship while continuing to live in Estonia. Well over 10,000 people had applied for and received Estonian citizenship to date.

109. The Law on Aliens, adopted and subsequently amended by Parliament in the middle of 1993, following recommendations by the CSCE and the Council of Europe, clearly defined for the first time the status of permanent residents of Estonia, so that residents who did not possess Estonian citizenship were guaranteed all social rights equal to those of Estonian citizens. The Law on Aliens was meant to establish the rights and obligations of all aliens already living in Estonia as well as of those who would arrive in the future. The Law and supplemental orders meant that aliens already living in Estonia were guaranteed residence permits and had two years in which to decide whether they wanted to apply for such a permit. The local election law stipulated that aliens could vote in Estonian local elections if they had five years of local residency.

110. Estonia had been one of the first States in Europe to adopt a law, in 1925, on cultural autonomy for ethnic minorities. During the current year a more comprehensive bill had been drafted so as to comply with the new Constitution; it was currently under consideration at meetings of the Presidential Round-table on ethnic issues. Most of the benefits specified in the bill would also be extended to people who had been transferred to Estonia during the Soviet occupation even though Estonia did not consider those people to be a traditional minority. Those people accordingly enjoyed special status and the right to establish educational, cultural and religious organizations; to profess their religion; and to establish direct contacts abroad to maintain their identity. Over 60 ethnic organizations, comprising both citizens and non-citizens, were already active in Estonia in 1992.

111. Mr. MACRIS (Observer for Cyprus), speaking on agenda item 8, drew attention to the fact that the case of Cyprus had been cited in the preliminary report on the human rights dimensions of population transfer, including the implantation of settlers (E/CN.4/Sub.2/1993/17) prepared by Mr. Al-Khasawneh and Mr. Hatano.

112. As a result of the Turkish invasion and occupation of Cyprus in 1974, almost the entire Greek Cypriot population of 200,000 living in the occupied area had been uprooted and forcibly expelled by the Turkish troops. The remaining 20,000 had also been forced gradually to abandon their homes and properties so that currently only 739 Greek Cypriots were living in the occupied area. Since 1974 the forcibly expelled indigenous population had been gradually replaced by settlers from mainland Turkey under the guise of tourists or seasonal workers. The latter had been given citizenship of the illegal entity proclaimed in the occupied north as well as voting rights. Property belonging to Greek Cypriots who had been evicted was handed to them. The policy of population transfers, refined to the extreme, was in furtherance of Turkey's policy of Turkification of the occupied areas, to the detriment of both Greek and Turkish Cypriots. It was estimated that, since 1974, over 80,000 settlers had been transferred from mainland Turkey to the occupied areas. At the same time the unbearable living conditions in the occupied territories had forced some 30,000 Turkish Cypriots to emigrate so that their number had dropped to less than 100,000.

113. The settlers currently formed a major proportion of the population of the occupied area and, together with the 35,000 mainland Turkish military personnel, played a decisive role in the political and economic activity of

those areas, while at the same time fulfilling the objectives of Turkey's settler policy. The objectives of that policy were: to distort the population balance with a view to justifying disproportionately large Turkish claims with respect to land and political power; to ensure that the Turkish Cypriot leadership was kept in line with Turkey's policies and objectives in Cyprus; to present an obstacle to the solution of the Cyprus problem; and to strengthen the Turkish military forces in Cyprus by providing additional reserves.

114. The Secretary-General of the United Nations had, time and again, reiterated his concern that nothing should be done to change the demographic structure of the island and had suggested that a Cyprus-wide census should be taken under the auspices of the United Nations. That position had been upheld by the Security Council in its resolution 789 (1992).

115. The influx of settlers from mainland Turkey was proceeding unabated and it had been reported that the illegal regime in the occupied areas was offering illegal citizenships to 5,000 new settlers in defiance of clearly expressed international concern. The purpose was clearly to allow thousands of new voters to back the illegal regime which was obstructing a political settlement of the Cyprus problem in order to remain in power. Even the Turkish Cypriot media and parties were protesting against those developments.

116. The question which remained was that of the means to bring the perpetrators of such massive and continued violations of human rights to account, especially when the perpetrators were States and the population transfers were being carried out in implementation of a State policy.

117. In conclusion, he wished to commend the Special Rapporteurs for their preliminary study. He believed that the report and any subsequent report on the issue should be presented to the International Conference on Population and Development to be held in Cairo in 1994, as the issues dealt with in the report were pertinent to the subject of the conference.

118. Mr. CHAKRAVARTI (Observer for India), speaking on agenda item 8, said that the Sardar Sarovar Project on the Narmada river in western India had been authorized under the Narmada Water Disputes Tribunal award to which the States of Gujarat, Madhya Pradesh, Maharashtra and Rajasthan had been parties. The award had been the result of delicate negotiations between the Central Government and the four States of the Union and its implementation required the consent of all parties.

119. The project had been extensively investigated during the 1950s and 1960s; basin planning had been done during the 1970s and 1980s and the project had been finally cleared by the Planning Commission which had vetted its techno-economic viability and environmental feasibility. The benefits of the project would be far-reaching. When completed, 1,450 MW of hydroelectric power would be generated; 1.2 million hectares of land would be irrigated and 32.5 million people would be provided with drinking water in a major drought-prone area of India. Flood protection would be provided to riverine reaches measuring 30,000 hectares. There would be spill-over benefits of employment calculated at 700,000 man-years in the construction period

and 600,000 man-years in the post-construction period. The Project would also afford protection against desertification and benefits to wild life sanctuaries and the development of fisheries.

120. The greatest attention had been paid to the resettlement of persons affected by the project. In many respects, the rehabilitation measures adopted by the State Governments went far beyond what they had been expected to provide under the Tribunal's award. A minimum of 2 hectares of irrigated land would be given to each landed person and free house plots to each family. Resettlement and rehabilitation grants to each family along with grants-in-aid were stipulated. Compensation for land and houses would be given according to national legislation and, in addition, specified civil amenities would be provided. The persons in the reservoir area were eking out a living from barren and increasingly degraded hillsides with a small and continuously decreasing part of their income derived from forest lands. Many of those persons therefore welcomed the opportunity of moving to more fertile and development-sustainable areas.

121. It was a matter for regret that efforts were being made to provoke controversies and local disturbances to interfere with the implementation of the resettlement and rehabilitation work. The attitude of the Government had, however, been to continue the dialogue with voluntary organizations holding all types of opinions concerning the project. Attempts had been made to mislead people both within India and abroad by alleging police excesses against project affected persons in Maharashtra. The fact of the matter was that no one in Manibeli village, Maharashtra, was being forced to leave against his will. The police posted in the area had been purely for the maintenance of order and had subsequently been withdrawn. In June 1993, the Union Minister for Water Resources had held a meeting with members of the Narmada Bachhao Andolan (NBA) with high-level participation. A five-member group of experts had been constituted on 5 August 1993 in order to continue the discussion and, as a result, the agitation by NBA activists had been called off; the independent expert group would submit a report not later than three months from its formation; the report would be made public.

122. Mr. PARY (Indian Council of South America), speaking under agenda item 8, said that 500 years earlier the European conquest of the Indian lands and the imposition of the colonial system had brutally disrupted the customary right of the indigenous nations to free and harmonious development in accordance with their own laws. The discovery of rich gold and silver deposits had given rise to new concepts such as progress, development and economic growth, behind which were concealed the ambitions of great economic interests and multinational corporations which, knowing no country and no law, divided up the riches of the world while reducing the indigenous populations to poverty and economic and social injustice.

123. One might well ask how it was possible to talk of human rights when, in the so-called third world, the vast majority of the population lived in abject poverty with millions of men and women lacking work and excluded from society as a direct result of the economic policies imposed by international financial institutions such as the World Bank and the International Monetary Fund.

124. Those institutions had played a decisive role in the crusade for the renewed colonization of the Indo-American continent and the conquest of the vast Amazonian region. The Government of Brazil should be asked to provide an explanation of the latter development.

125. The World Bank provided long-term credits to the great private corporations and financed the major projects and operations of the transnational corporations such as hydroelectric power plants, the construction of highways such as the Trans-Amazon Highway, prospection and exploitation of basic strategic commodities such as oil, natural gas, uranium and of mining resources and the timber industry. The implementation of such projects had been possible thanks to a "laissez-faire" economic policy accompanied by the destruction of lands, contamination of the environment and exploitation of agricultural and indigenous workers.

126. An internal memorandum of the World Bank was reported to have stated that the migration of polluting industries to less developed countries should be encouraged because economic logic dictated that toxic waste should be dispersed to those countries because they had low pollution levels and a low incidence of cancer.

127. The international development organizations, far from satisfying the vital needs of the indigenous populations, had sided with the economic and strategic interests of the transnational corporations. Although, between 1970 and 1980, the World Bank had devoted 17 per cent of its investments to agriculture, 23 per cent to energy, 28 per cent to transportation and the balance to the agro-industrial sector, poverty had escalated in the American continent as in other areas of the world.

128. Pernicious policies for controlling population growth had included a programme designed to reduce the growth of the indigenous populations of the Andean region, particularly in Bolivia. In 1975, the Catholic Church had felt obliged to denounce the perverse plans of the World Bank for population control, supported by the USAID agency. One consequence of the plan had been the death of 602 women in a single year as a result of the improper use of contraceptives.

129. The International Monetary Fund had power to decide how the peoples of the third world should live and had imposed a policy of austerity so severe that populations were afflicted by hunger and poverty. Between 1975 and 1990 wages had lost between 10 per cent and 35 per cent of their purchasing power; per capita income had fallen by 7 per cent between 1970 and 1980 and interest payments on external debt had resulted in the direct transfer of between 30 per cent and 50 per cent of the gross revenues of the third world to the rich countries.

130. Those two international financial institutions no longer responded to hopes for balanced and equitable development of the poor countries nor to the aspirations of the peoples to a life of dignity. The Sub-Commission should therefore urge States to consider the negative impact of the policies of the World Bank and International Monetary Fund on the sovereign right to development and on the right of peoples to enjoy their resources as those were essential conditions for the safeguarding of human rights.

131. In 1990 the long march of 30,000 Indians from the Oriente province of Bolivia to the capital was proof that indigenous populations were becoming aware of the need to defend their lands and resources from the depredations of the modern-day colonialists and multinational corporations.

132. Moreover the indigenous peoples and nations urged the international community and the Sub-Commission to intercede with the Spanish Crown to make restitution for the booty seized from the Inca Atahuallpa by the Spanish conquistador Francisco Pizarro, the current value of which had been calculated by the Association of Economists of Peru at $647,704 billions.

133. Mrs. PALLEY, speaking on item 8, referred to the problem of the effect on local populations subjected to the receipt of settlers. A case in point was the situation in Cyprus, as seen by the Turkish Cypriot population which had at first welcomed the settlers but later had realized the impact of settlement on their own society and had seen the disastrous effects of a population transfer which was still continuing.

134. States which had averted their eyes from the tragedy of Cyprus had long characterized the Cyprus problem as that of two communities endlessly bickering about internal constitutional arrangements; they had deliberately chosen not to see it as a problem of invasion, followed by 19 years of occupation, with settlement of mainland Turks on such a scale that many of the local Turkish Cypriots now saw that Turkish settlers were affecting their own economic and political future and rights.

135. After the Sub-Commission's previous session had ended, the Permanent Representative of Turkey had procured the circulation to members of a so-called "information note". Because the puppet regime of Mr. Denktash had no United Nations voice, Turkey, as the motherland, had used its good offices to ensure that Mr. Denktash's voice was heard in the shape of statements from Turkey. Turkey did not extend the same courtesy to Turkish Cypriots opposed to the Denktash regime and to the Turkish policy of population transfer to Cyprus. The Secretary-General, long concerned to stop demographic change in Cyprus, on 19 November 1992, had urged the United Nations to take a Cyprus-wide census; that appeal had been endorsed by the Security Council.

136. More Turkish settlers were being unlawfully converted into citizens of an unlawful regime. A Turkish Cypriot newspaper had reported on 16 August 1993 that 250 Turkish settlers per day were being given identity cards entitling them to vote in local Turkish Cypriot elections. The significance of that development was that there were only about 100,000 Turkish Cypriots left, of whom about 60,000 would be adult voters. In the preceding elections in the 1980s about 35,000 Turkish settlers had also been given the right to vote. The number of settler votes was being rapidly increased and was accordingly diminishing the influence and number of the local Turkish Cypriots who could not compete at the wage rates poor Turkish immigrants would accept.

137. Turkey had claimed to be the guarantor of Cyprus under the 1960 Treaty of Guarantee. The 1974 invasion had been justified as a humanitarian intervention. The Treaty of Establishment of Cyprus had prohibited the grant of citizenship except for minute quotas for Turks, Greeks and Turkish-Greek Cypriots who had immigrated. Those quotas had later been abandoned by Turkey.

Turkey had also done disastrous things to the Turkish Cypriots as it had exported Turkey's own inflation and economic problems to the area of Cyprus which it occupied, gravely damaging the economic rights of Turkish Cypriots.

138. The only way forward would be for the two communities, without settlers, to agree in free and fair negotiations, on an equal basis, under the Secretary-General. Such an agreed settlement must be approved in two community referenda without the Turkish settlers. In that way, over a relatively short period of time, the economic, social, cultural, political and civil rights of all Cypriots would be restored to health.

The meeting rose at 1.10 p.m.